

"(B) does not include a visit initiated by a prisoner—

"(i) pursuant to a staff referral; or
 "(ii) to obtain staff-approved follow-up treatment for a chronic condition;

On page 8, line 20, after "services" insert "emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment".

On page 10, line 16, strike "2 years" and insert "1 year".

On page 10, line 21, strike "24-month" and insert "12-month".

On page 12, strike lines 6 through 9 and insert the following:

"(ii) constitute a health care visit within the meaning of section 4048(a)(4) of this title; and

"(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment."

Mr. LEAHY. I want to thank Senator JOHNSON for his leadership on this matter and for bringing this matter to my attention. Vermont does not have a copayment requirement for prisoners' health care so the problems that his Marshal had brought to his attention last year, were not matters that had arisen in Vermont.

I also want to thank those at the Department of Justice who have made suggestions to improve the proposals on this subject over the last couple of years. I am glad the I have been able to contribute constructively to that process of improvement over the past weeks and again today.

A most important part of this bill is its protection against prisoners being refused treatment based on an inability to pay. I am glad to see my suggestion that the protection of section 2(f) in this regard be included in section 3 of the bill, as well, be incorporated in the substitute amendment accepted by the Judiciary Committee and reported to the Senate. I thank the Department of Justice for having included this suggestion in its recent April 27 letter.

Today we make additional improvements to the bill to ensure that it can serve the purposes for which it is intended. In particular, I have suggested language to make clear that since the goal of the bill is to deter prisoners from seeking unnecessary health care, copayment requirements should not apply to prisoner health care visits initiated and approved by custodial staff, including staff referrals and staff-approved follow-up treatment for a chronic condition. In addition, the amendments I have suggested adds to those health care visits excluded from the copayment requirement visits for emergency services, perinatal care, diagnosis or treatment of contagious diseases, mental health care and substance abuse treatment. Like preventative care, all these types of health care for prisoners should be encouraged and not discouraged by a copayment requirement. It would be harmful to custodial staff and detrimental the long term interests of the public to create artificial barriers to these health care services.

Finally, I have suggested that we review this new program and its impact next year rather than delaying evaluation for the 2-year period initially provided by the bill. The bill constitutes a shift in federal corrections and custodial policy and it is appropriate that the impact of these changes be evaluated promptly and adjusted as need be.

I continue to be concerned that we are imposing an administrative burden on the Bureau of Prisons greatly in excess of any benefit the bill may achieve. I wonder about alternatives to cut down on unnecessary health care visits besides the imposition of fees, many of which may go uncollected. The contemplated \$5 a visit fee for prisoners compensated at a rate as low as 11 cents an hour seems excessive, but that is how the BOP wishes to proceed.

I also fear that the effort will lead to extensive litigation to sort out what it means and how it is implemented. As we impose duties and limitations on correctional authorities, that is one of the consequences of such duties.

I will be interested to see whether funds end up being received by victims of crime either with respect to restitution orders or by the Victims of Crime Fund through the elaborate mechanisms created by this legislation. I hope that victims will benefit from its enactment as opposed to experiencing another false promise. In this regard, I wonder why there is no benefit to victims from the fees collected from federal prisoners held in nonfederal institutions. If our policy is to benefit victims, the ownership of the facility ought not deter that policy. Surely the copayment fee is not designed as payment for the health care treatment itself or even payment for the administrative overhead of the system.

Despite my concerns, this bill does have the support of the BOP and U.S. Marshals Service. Just as I facilitated the bill being reported from this Committee, today I am acting to allow the Senate to pass an improved version of the bill.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, the bill read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was read the third time.

The bill (S. 704), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

REFERRAL OF S. 438

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 438, "To provide for the settlement of water rights claims of the Chippewa Cree Tribe of the Rocky

Boy's Reservation, and for other purposes," that the measure be referred to the Committee on Indian Affairs and that at such time as the Committee on Indian Affairs reports the measure, it be referred to the Committee on Energy and Natural Resources for a period not to exceed 60 calendar days and that if the Committee on Energy and Natural Resources has not reported the measure prior to the expiration of the 60-calendar-day period, the Energy Committee be discharged from further consideration of the measure and that the measure then be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FILING

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, committees have from 11 a.m. until 1 p.m. on Wednesday, June 2, in order to file legislative matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE ANNOUNCEMENT

Mr. HUTCHINSON. Mr. President, for the information of all Senators, the Senate will begin the DOD appropriations bill on Monday, June 7, and hopefully will complete action on that bill by close of business on Tuesday, June 8. In addition, on Monday, it will be the leader's intention to move to proceed to S. 1138, the new compromised Y2K bill on Monday and file a cloture motion on the motion for a cloture vote on Wednesday, June 9.

Also, on Tuesday, June 8, it will be the leader's intention prior to the recess or adjournment that evening to move to proceed to the lockbox issue and file a cloture motion on that matter for a cloture vote on Thursday, June 10. Members who have an interest in the important Social Security savings bill should plan to participate in that debate Tuesday evening and Tuesday night.

Needless to say, when the Senate reconvenes following the Memorial Day recess, there will be a tremendous amount of legislation needing passage by the Senate. Therefore, the leader wishes all Members a safe and restful Memorial Day and looks forward to the cooperation of all Members when the Senate reconvenes.

ORDERS FOR MONDAY, JUNE 7, 1999

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 noon on Monday, June 7. I further ask that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time